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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 VITO SANCHEZ,

6 Plaintiff

Case No. 2:21-cv-00732-JAD-NJK

**ORDER**

7 v.

8 F. DREESSEN, *et al.*,

9 Defendants

10 **I. DISCUSSION**

11 On May 3, 2021, Plaintiff, an inmate in the custody of the Nevada Department of  
12 Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No.  
13 1-1. Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to  
14 proceed *in forma pauperis*.

15 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil  
16 action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without  
17 prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit  
18 all three of the following documents to the Court:

- 19 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s  
20 approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),  
21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
22 (i.e. page 4 of this Court’s approved form), and  
23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**  
24 **six-month period**.

25 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application  
26 to proceed *in forma pauperis* containing all three of the required documents, or in the alternative,  
27 pay the full \$402 filing fee for this action on or before **July 6, 2021**. Absent unusual circumstances,  
28 the Court will not grant any further extensions of time.

1 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with  
2 all three required documents or pay the full \$402 filing fee on or before **July 6, 2021**, this case  
3 will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when  
4 Plaintiff is either able to acquire all three of the documents needed to file a fully complete  
5 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

6 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
7 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
8 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file  
9 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before  
10 **July 6, 2021** to proceed with this case.

11 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will  
12 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed  
13 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## 14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff  
16 the approved form application to proceed *in forma pauperis* by an inmate, as well as the document  
17 entitled information and instructions for filing an *in forma pauperis* application.

18 IT IS FURTHER ORDERED that on or before **July 6, 2021**, Plaintiff will either pay the  
19 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative  
20 fee) or file with the Court:

21 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
22 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
23 3),

24 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
25 (i.e. page 4 of this Court's approved form), and

26 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
27 **six-month period.**

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
2 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action  
3 on or before **July 6, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to  
4 refile the case with the Court, under a new case number, when Plaintiff has all three documents  
5 needed to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

6 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
7 No. 1-1, but will not file it at this time.

8 DATED: May 6, 2021.

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12 NANCY J. KOPPE  
13 UNITED STATES MAGISTRATE JUDGE  
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